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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,410

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Tienyu Chiu

Chiu 1

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04/06/2005

Lucent Technologies Inc.  
Docket Administrator (Rm. 3J-219)  
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EXAMINER

MURPHY, RHONDA L


ART UNIT

PAPER NUMBER

2667

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/920,410	Applicant(s)  CHIU, TIENYU	
	Examiner Rhonda Murphy	Art Unit 2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6,856,616) in view of Grimes (US 6,434,537).

**Regarding claim 1**, Schuster teaches a method for using an IP telephone (Fig. 2a, 208) connected to a network comprising a plurality of network elements (Fig. 2a), the IP telephone including a display for determining and displaying call billing information (Fig. 4a, col. 12, lines 26-29), the method comprising the steps of: initializing the IP telephone (col. 10, lines 65-67; col. 11, lines 1-4); and completing a telephone call from the IP telephone (col. 19, lines 66-67; col. 20, line 1). Schuster does not teach billing rates and time of day information.

However, Grimes teaches a telephone displaying, calculating, updating and maintaining the cost of a call using the billing information (col. 3, lines 18-23), as well as time of day information (col. 4, lines 12-14; prime time, evening and weekend). In addition, Grimes teaches maintaining a running total of the time and dollar amount of the service being used. Thus, the above steps of calculating and displaying the call cost, and obtaining a total cost of the call are repeated. The step of storing the total cost

of the call would have been obvious to one skilled in the art, for the purpose of maintaining a record of the subscriber's usage.

In view of this, it would have been obvious to one skilled in the art to combine the teachings of Schuster and Grimes, by displaying billing rates and time of day information on an IP telephone, in order to obtain real-time charges for a subscriber's service usage.

**Regarding claim 2**, the combined method of Schuster and Grimes teach initializing an IP telephone with billing rates and time of day information. Schuster does not disclose downloading the information.

However, Grimes teaches downloading the billing rates and time of day information (col. 3, lines 6-8; col. 4, lines 8-18). Thus, it would have been obvious to one having ordinary skill in the art to download the information from a server, for the purpose of retrieving the information stored on a server in a network.

**Regarding claims 3 and 4**, Schuster further teaches an IP telephone connected to the network via a LAN and step a) occurring when the IP telephone is connected to the LAN (Fig. 2A, LAN 212; col. 7, lines 43-53) and power supply (col. 11, lines 30-35).

3. Claims 5 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster and Grimes as applied to claim 1 above, and further in view of Fangman et al. (US 6,687,245) and Kung et al. (US 6,775,267).

**Regarding claim 5**, the combined method of Schuster and Grimes teach initializing the IP telephone with billing rates and time of day information. Schuster and Grimes fail to disclose a TFTP server including billing rates.

However, Fangman teaches an IP telephone obtaining information from a TFTP server (col. 16, lines 64-67; col. 17, lines 1-5). Kung teaches sending billing information to a billing system using TFTP (col. 16, lines 58-65; col. 17, lines 1-7). Thus, the TFTP server contains records of the billing information. Therefore, the combined methods of Fangman and Kung teach an IP telephone capable of obtaining billing rates from a TFTP server.

In view of this, it would have been obvious to one having ordinary skill in the art to combine Schuster and Grimes' method with Fangman and Kung's method, to include a TFTP server that provides billing rates to an IP telephone, in order for display charges for a subscriber's service usage.

**Regarding claim 6**, the combined methods described above teach a TFTP server that provides billing rates. Grimes further teaches downloading billing rates (priority of service: time of day – prime time, evening, and weekend) whenever the billing rates change (col. 4, lines 8-18). In view of this, it would have been obvious to one skilled in the art to download billing rates when the rates change throughout the day, in order to accurately calculate the charges for a subscriber service usage.

**Regarding claim 7**, the combined methods described above in the rejection of claim 5 teach the initialization of an IP telephone. Fangman further teaches step a) comprises obtaining initialization scripts from the TFTP server (col. 16, lines 64-67; col. 17, lines 1-

5). In view of this, it would have been obvious to one having ordinary skill in the art to combine the methods described in claim 5, with Fangman's teachings of receiving initialization scripts from the TFTP server, in order for the IP telephone to execute the operations contained within the scripts and thus, enabling IP communications.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster and Grimes as applied to claim 1 above, and further in view of Kung et al. (US 6,775,267).

**Regarding claim 8**, the combined method of Schuster and Grimes teach the initialization of an IP telephone with billing rates and obtaining time of day information. Schuster and Grimes do not explicitly teach providing time of day information to network elements.

However, Kung teaches a TOD server (212) that provides time of day information to call manager 218 (col. 16, lines 63-65). In view of this, it would have been obvious to one having ordinary skill in the art to include a TOD server that provides time of day information to network elements, for the purpose of synchronizing elements within a network.

**Regarding claim 9**, the combined method of Schuster, Grimes and Kung teach a TOD server providing time of day information. Grimes further teaches obtaining time of day information in order to determine the billing information for display on an IP telephone (col. 3, lines 14-24; col. 4, lines 8-18). Since the billing information is derived from the network time of day information, and the billing information is displayed on the IP

telephone, it would have been obvious to one skilled in the art to include the network time of day information on the telephone's display, to provide a user with an accurate time of charges being calculated.

5. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster and Grimes as applied to claim 1 above, and further in view of Farris et al. (US 6,721,306).

**Regarding claim 10**, the combined method of Schuster and Grimes teach an IP telephone and other network elements connected to a LAN, and storing total cost of a call. Schuster and Grimes fail to disclose a PC connected to the LAN for storing the call cost information.

However, Farris discloses a PC server and phone connected via a LAN, wherein the PC server stores information and contains billing information for the phone (col. 18, lines 30-35).

In view of this, it would have been obvious to one having ordinary skill in the art to combine the above teachings in order to include a PC for storing the cost of a call as a record, for the purpose of providing a system, other than an IP telephone, that maintains billing information.

**Regarding claim 11**, the combined method of Schuster, Grimes, and Farris teach a PC for storing billing information. It is known in the art that a PC is capable of querying and sorting records, for the purpose of searching and arranging files in a particular order.

**Regarding claim 12**, the combined method of Schuster, Grimes, and Farris teach a PC for storing billing information. It is known in the art that a PC connected to a printer is capable of printing records stored on the PC.

**Regarding claims 13-15**, the same limitations are taught by the combined method of Schuster, Grimes, and Farris, as described above in the rejections of claims 10-12. It would be obvious to one skilled in the art that a PC and workstation are capable of performing the same functions described in the above limitations.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fangman et al. (US 6,687,245) in view of Kung et al. (US 6,775,267).

**Regarding claim 16**, Fangman teaches a method for initializing an IP telephone connected to a network using IP and including a Dynamic Host Configuration Protocol (DHCP) server (col. 8, lines 51-53; DHCP represented by Service Gateway 170), Trivial File Transfer Protocol (TFTP) server (col. 9, lines 15-16), the method comprising the steps of: requesting initialization information from the DHCP server (col. 15, lines 58-61); receiving the IP address of TFTP server and the filename of an initialization file for the IP telephone from the DHCP server (col. 15, lines 61-67; col. 16, lines 1-6); requesting and receiving the initialization file from the TFTP server (col. 16, lines 64-67; col. 17, lines 1-5); requesting and receiving application software images from the TFTP server (col. 19, lines 50-62).

Fangman does not disclose a time of day server, nor the request and receipt of billing rates.



However, Kung teaches a method for obtaining billing information for IP subscribers connected to a network using IP and including a Time of Day (TOD) server (Fig. 2, 212; col. 7, lines 62-66). Additionally, Kung teaches an accounting gateway sending billing information to a billing system using TFTP (col. 16, lines 58-65; col. 17, lines 1-7). Thus, the TFTP server contains records of the charges made by a particular subscriber.

Therefore, given the teachings of Fangman's IP telephone requesting and receiving information from the TFTP server, and Kung's TFTP server having billing information, it would have been obvious to one having ordinary skill in the art to combine the teachings in order to provide an IP telephone capable of requesting and receiving billing rates from a TFTP server, for the purpose of displaying a user's billing information on the IP telephone.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

\*Shah et al. (US 6,212,506) discloses a per call real time billing display.

\*Ortiz et al. (US 5,134,651) discloses a method and apparatus for providing answer supervision and an autonomous pay telephone incorporating the same.

\*Foti (US 5,784,442) discloses a system and method for real-time billing in a radio telecommunications network.

\*Wilson (US 6,829,231) discloses Internet phone system and directory search engine using same.


\*Lin (US 2005/0063525) discloses a phone appliance with display screen and methods of using the same.

\*Treat (US 4,751,728) discloses a telephone call monitoring metering and selection device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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3/31/05

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